

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE ACTING CHIEF JUSTICE MR.K.S.RADHAKRISHNAN

WEDNESDAY, THE 21ST FEBRUARY 2007 / 2ND PHALGUNA 1928

RP.No. 28 of 1998(F)

AGAINST THE ORDER IN CRP.1717/1997 Dated 06/10/1997

.....

PETITIONER/REVISION PETITIONER IN CRP:

DAMODARA PAI-VITTALA PAI,
KUNNATHUMADATHIL HOUSE,
OLAMATTOM KARA, THODUPUZHA TALUK.

BY ADV. SMT.V.A.KASTHURI

RESPONDENTS/RESPONDENTS IN CRP:

1. MATHAI ESSO, THAZHATHE KAITHAKAMPIL,
PURAYIDOM, OLAMATTOM KARA, THODUPUZHA VILLAGE.
2. ROSILKUTTY, W/O.CHACKO, VERANANICKAL,
OLAMATTOM KARA, THODUPUZHA.
3. TOM, S/O.CHACKO VERANANICKAL,
OLAMATTOM KARA, THODUPUZHA VILLAGE.
4. THOMAS, S/O.THOMMAN, VERANANICKAL HOUSE,
OLAMATTOM KARA, THODUPUZHA VILLAGE.

R2 & R3 BY ADV. SRI.MATHEW JOHN (K)
SRI.SUJESH MENON V.B.

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD
ON 21/02/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

K.S.RADHAKRISHNAN, Ag.C.J.

**R.P.No.28 of 1998 in
C.R.P.No.1717 of 1997**

Dated, this the 21st day of February, 2007

ORDER

I have perused the order passed in the Civil Revision Petition under review. For the reasons stated in the order the learned Judge was right in dismissing the revision. Reference was made to the commission report and survey plan. The Commissioner has unequivocally and unambiguously stated in paragraph 13 of the report Ext.C1 that no constructions were seen at the pathway mentioned in the decree. It was also reported that as per the decree, the decree holder has got every right to use the way shown in Ext.C1(a) without any hindrance from the judgment debtors. No ground to review that order has been made. Review petition is dismissed.

**K.S.RADHAKRISHNAN,
Ag.CHIEF JUSTICE.**

vns